



## Legislation Text

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**File #: 040926, Version: 1**

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040926

SUBSTITUTE

881169

THE CHAIR

Substitute resolution amending a special privilege for change of name to Pyramax Bank F.S.B., for encroachment into the public right-of-way of a mansard structure for the building at 1605 West Mitchell Street, in the 12<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Pyramax Bank F.S.B. to keep and maintain a mansard structure, at 1605 West Mitchell Street, that was previously permitted to be constructed.

Whereas, Mitchell Savings and Loan requested a special privilege to construct and maintain a mansard structure; and

Whereas, Permission was granted in 1988 by adoption of Common Council Resolution File Number 881169; and

Whereas, Pyramax Bank F.S.B. is the current name of the property owner; and

Whereas, Section 245-4-2 of the City of Milwaukee Code of Ordinances allows a mansard structure to encroach a maximum of 15 inches into the public right-of-way; and

Whereas, Said mansard structure encroaches approximately 28 inches into the public right-of-way; and

Whereas, The excess encroachment may only legally occupy the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, That Common Council Resolution File Number 881169 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Pyramax Bank F.S.B., 7001 West Edgerton Avenue, Greenfield, WI 53220, is hereby granted the following special privilege:

To keep and maintain a mansard structure encroaching approximately 28 inches into the south sidewalk area of West Mitchell Street for a length of 11 feet. Said encroachment commences at a point approximately 5 feet west of the westline of South 16<sup>th</sup> Street and ends at a point 16 feet west of the westline of South 16<sup>th</sup> Street. Said structure shall provide a minimum vertical clearance of 10 feet above the adjacent sidewalk grade.

The above-mentioned mansard structure shall be used and maintained to the approval of the Commissioners of Public Works and Neighborhood Services.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Pyramax Bank F.S.B., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$25,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works any curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
MDL:cjt  
February 21, 2005  
040926